
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Tu Way Wireless)	File No. EB-03-PA-171
)	
Allentown, Pennsylvania)	
)	
)	NOV No. V20033240005
)	

NOTICE OF VIOLATION

Released: October 17, 2003

By the District Director, Philadelphia Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Tu Way Wireless.

2. On September 22, 2003, an agent with the FCC's Philadelphia Office inspected the antenna structure located at 933 East Rock Road, Allentown, Pennsylvania near the coordinates 40-34-20 N by 075-25-50 W. The antenna structure is owned by Tu Way Wireless and is assigned the Antenna Structure Registration ("ASR") Number 1016094. During the inspection, the Philadelphia Office found that Tu Way Wireless was in violation of the following:

- a. 47 C.F.R. § 17.50: Antenna structures requiring painting and lighting under this part shall be cleaned and repainted as often as necessary to maintain good visibility. The unpainted coaxial cables on the legs of the antenna structure mask the paint on the antenna structure.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Tu Way Wireless, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective actions. The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Tu Way Wireless, 2350 Schoenersville, Allentown, Pennsylvania 18103.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

John E. Rahtes
District Director
Philadelphia Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*